

2016 STATE LAW SUMMARY TABLES AND STATEMENTS

List of State Annexation Reporting Laws

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ALABAMA (01)

Source: Alabama Code of 1975, Title 11 Counties and Municipal Corporations

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 11-42-7	Legislative Reapportionment Office
Deannexation	STATE	Section 11-42-7	Legislative Reapportionment Office
Incorporation	STATE	Section 11-41-4	Secretary of State
Disincorporation	COUNTY	Section 11-41-23	County Judge of Probate

Once issue of incorporation passes election, and an enumeration of the inhabitants residing within the affected territory is complete, the Judge of Probate shall issue an order of incorporation and shall file a copy of the order with the Secretary of State (Sect. 11-41-4). In addition, the Judge of Probate shall hear any issue pertaining to disincorporation and, if upon such hearing, the Judge of Probate may decree to dissolve the incorporated place (Sec. 11-41-23). Any incorporated place that annexes or deannexes property shall notify the Legislative Reapportionment Office of such action (Sec. 11-42-7).

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ALASKA (02) (MOA)

Source: The Alaska Statutes (2011), Title 29 Municipal Government

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 29.06.040	Local Boundary Commission
Deannexation	STATE	Section 29.06.040	Local Boundary Commission
Incorporation	STATE	Section 29.05.080	Local Boundary Commission
Disincorporation	STATE	Section 29.06.490	Local Boundary Commission

An unincorporated community can file to incorporate, annex, or change its municipal classification by submitting a petition to the Department of Natural Resources, which shall submit its findings to the Local Boundary Commission (LBC) (Alaska Statutes, Sec. 29.06.040, 29.06.080, and 29.06.490). The LBC has the authority to review, amend, approve, or reject any proposed boundary changes.

MOA: The Census Bureau maintains a state BAS agreement with the Alaska Department of Labor and Workforce Development (DOLWD). Each year the Census Bureau will send a letter to all entities within the state notifying that the state will be submitting a consolidated response for all entities during the next BAS cycle, and that any questions should be sent to the DOLWD. All legal boundary and status changes must be approved by the Local Boundary Commission. The state will provide a consolidated response to the BAS for all legal boundaries. In years ending in 0, the Census Bureau will provide Boundary Validation Program (BVP) materials to each entity within the state for informational purposes.

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ARIZONA (04)

Source: Arizona Revised Statutes, Title 9 Cities and Towns

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 9-471	Department of Revenue
Deannexation	COUNTY	Sections 9-471.02 & .03	County Board of Supervisors
Incorporation	COUNTY	Section 9-101	County Board of Supervisors
Disincorporation	COUNTY	Section 9-102	County Board of Supervisors

If the provisions for incorporation have been satisfied, the Board of Supervisors, by an order entered of record, shall declare the place incorporated as a city or town (ARS Sec. 9-101). For disincorporations, the Board of Supervisors may order the place either disincorporated or call for an election for the purpose of deciding the issue of disincorporation (ARS Sec.9-102). For annexations, the incorporated place shall provide a copy of the annexation ordinance to the clerk of the Board of Supervisors (ARS Sec. 9-471) as well as with the Department of Revenue (ARS Sec. 9-471). For deannexations, a copy of the order of deannexation from the County Board of Supervisors, certified by the Clerk of the Court, shall be filed with the County Recorder of the county in which the affected territory is situated (ARS Sec. 9-471.02).

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ARKANSAS (05)

Source: Arkansas Code of 1987, Title 14 Local Government Subtitle 3 Municipal Government

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Sections 14-40-303 & 605	Secretary of State, Public Service Commission – Tax Division
Deannexation	STATE	Sections 14-40-1802 & 1902	Secretary of State
Incorporation	STATE	Section 14-38-104 & 115	Secretary of State
Disincorporation	STATE	Section 14-39-102	Secretary of State, Arkansas History Commission

If the issue of incorporation passes election, the County Court shall issue an order for incorporation to be filed with the County Recorder, which shall certify the incorporation with the Secretary of State (Sec. 14-38-104 & 115). Whenever the County Court revokes the charter of any incorporated town or city of the second class, Clerk of the Court shall certify the order of disincorporation with Secretary of State and the Arkansas History Commission (Sec. 14-39-102). Whenever the issue of annexation or deannexation is adopted, the County Clerk must certify the boundary change to the Secretary of State (Sec. 14-40-303, 605, 1802, & 1902).

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CALIFORNIA (06)

Source: California Government Code, Title 5 Local Agencies Division 3 Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 57204	Board of Equalization
Deannexation	STATE	Section 57204	Board of Equalization
Incorporation	STATE	Section 57204	Board of Equalization
Disincorporation	STATE	Section 57204	Board of Equalization

The county-level Local Agency Formation Commission (LAFC) has the authority to review and approve proposals for incorporation, disincorporation, and boundary changes. Once the LAFC approves the issue of incorporation, disincorporation, or boundary change, and the issue passes election if an election was held, the LAFC shall issue a certificate of completion confirming the action (Sec. 57204). The executive officer for the incorporated place is responsible for filing the statement of boundary change, incorporation, or disincorporation with the California Board of Equalization, the County Assessor, and the County Auditor (Sec. 57204).

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COLORADO (08)

Source: Colorado Revised Statutes, Title 24 Government – State

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Sections 24-32-109, 31-12-113	Department of Local Affairs – Division of Local Government, Department of Revenue
Deannexation	STATE	Section 24-32-109	Department of Local Affairs – Division of Local Government
Incorporation	STATE	Section 24-32-109	Department of Local Affairs – Division of Local Government
Disincorporation	STATE	Section 24-32-109	Department of Local Affairs – Division of Local Government

If a place elects to incorporate, the County Clerk and Recorder for each county in which the proposed place is located shall file a certified copy of the notice to incorporate with the Department of Local Affairs (Sec. 24-32-109). If a place disincorporates, the County Clerk and Recorder shall file a certified copy of the notice of disincorporation with the Department of Local Affairs (Sec. 24-32-109). For annexations, the County Clerk and Recorder shall file one certified copy of the annexation ordinance and map with the Department of Local Affairs and one certified copy of the annexation ordinance and map with the Department of Revenue (Sec. 24-32-109, 31-12-113). For deannexations, the County Clerk and Recorder shall file a certified copy of the deannexation ordinance with the Department of Local Affairs (Sec. 24-32-109).

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CONNECTICUT (09)

Source: Connecticut Constitution, Article 10th – Of Home Rule

Type	Filing	Citation	Highest Receiving Authority
Annexation	X	X	X
Deannexation	X	X	X
Incorporation	X	X	X
Disincorporation	X	X	X

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DELAWARE (10)

Source: Delaware Code of 1975, Title 22 Municipalities

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Sections 22-101, 702	Office of State Planning Coordination, and/or Delaware General Assembly
Deannexation	STATE	Sections 22-105, 702	Office of State Planning Coordination, and/or Delaware General Assembly
Incorporation	X	X	X
Disincorporation	X	X	X

Incorporated places may report boundary changes to the Delaware Office of State Planning Coordination with boundary changes as part of the provisions of the required Comprehensive Development plan (Sec. 22-702). In addition, the General Assembly may adjust legal boundaries provided that the provisions for such change have been met (Sec. 22-101, 105).

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FLORIDA (12)

Source: Florida Statutes, Title 12 Municipalities

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 171.091	Department of State, Office of Economic and Demographic Research
Deannexation	STATE	Section 171.091	Department of State, Office of Economic and Demographic Research
Incorporation	STATE	Section 165.041	Florida State Legislature
Disincorporation	STATE	Section 165.051	Florida State Legislature (by special act)

Any motion to incorporate a place may only be adopted through a special act of the State Legislature (Sec. 165.041). An incorporated place may dissolve by a special act of the Legislature or by an ordinance approved by an election (Sec. 165.051). For any changes to incorporated place boundaries, the governing authority shall file a revised charter boundary article with the Florida Department of State within 30 days of such action (Sec. 171.091).

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GEORGIA (13) (MOA)

Source: Georgia Code, Title 36 Local Government

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 36-36-3	Department of Community Affairs
Deannexation	STATE	Section 36-36-22	Department of Community Affairs
Incorporation	STATE	Section 36-31-2	Department of Community Affairs
Disincorporation	STATE	Section 36-30-7	Secretary of State

When a place becomes incorporated, the governing authority for that place must file a certification of incorporation with the Department of Community Affairs stating that the incorporation meets the standards for an active municipality (Sec. 36-31-2). For disincorporations, the Superior Court Judge for the county in which the disincorporated place is located must furnish an order of dissolution to the Secretary of State (Sec. 36-30-7). The clerk, city attorney, or a person designated by the governing authority of the incorporated place must file any annexations with the Department of Community Affairs (DCA) (Sec. 36-36-3). The DCA shall not certify the annexation to the U.S. Census Bureau until the incorporated place has filed the annexation report with the DCA. When an incorporated place deannexes territory, a report identifying the deannexed property must be filed with the DCA (Sec. 36-36-22).

MOA: The Census Bureau maintains an agreement with the Georgia Department of Community Affairs (DCA), whereby the DCA has the authority to certify annexations reported to the State of Georgia and directs the governing authorities for any municipality annexing territory to report such changes to the Census Bureau's Boundary and Annexation Survey (BAS).

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IDAHO (16)

Source: Idaho Statutes, Title 50 Municipal Corporations & Title 63 Revenue and Taxation

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Sections 50-223, 63-215	State Tax Commission
Deannexation	STATE	Sections 50-225, 63-215	State Tax Commission
Incorporation	STATE	Section 50-2	Secretary of State
Disincorporation	STATE	Section 50-2214	Secretary of State

Cities may be incorporated by a county board of commissioners upon petition of residents of a contiguous unincorporated area (Sec. 50-101). A city may be disincorporated by a vote of the electorate of the city (Sec. 50-2201). A city council may annex contiguous property (Idaho Code 50-222). A city council may also deannex land within a city (Sec. 50-225). Any change in boundaries, incorporation or disincorporation must be recorded with the county recorder, and reported to both the State Tax Commission and the county assessor (Idaho Code 63-215).

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ILLINOIS (17)

Source: Illinois Compiled Statutes, Chapter 65 Municipalities

Type	Filing	Citation	Highest Receiving Authority
Annexation	COUNTY	Section 7-1-11	County Recorder, County Clerk, County Election Authority
Deannexation	COUNTY	Section 7-3-5	County Recorder, County Clerk
Incorporation	STATE	Section 2-1-5	Secretary of State
Disincorporation	STATE	Section 7-6-5	Secretary of State

If the issue of incorporation passes by election, the place is considered incorporated and must be reported to the Secretary of State (Sec. 2-1-5). If a place votes in favor of disincorporation, the acting governing authority for the dissolved municipality shall give notice of the result to the Secretary of State within 10 days after the election (Sec. 7-6-5). For annexations, a copy of the annexation ordinance with an accurate map of the annexed territory shall be recorded with the County Recorder and filed with the County Clerk and County Election Authority (Sec. 7-1-11). For deannexations, a copy of the deannexation ordinance certified by the clerk for the incorporated place shall be recorded by the County Recorder's office and filed with the County Clerk (Sec. 7-3-5).

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INDIANA (18)

Source: Indiana Code, Title 36 Local Government

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	IC 36-4-3-22	Secretary of State
Deannexation	STATE	IC 36-4-3-19	Secretary of State
Incorporation	STATE	IC 36-5-1-10.1	Secretary of State
Disincorporation	STATE	IC 36-5-1-17, IC 36-5-1.1-10	Secretary of State

The incorporation ordinance shall be filed with the Secretary of the State and the Circuit Court Clerk for each county in which the newly incorporated place is located (IC 36-5-1-10.1). For disincorporations, the County Election Board or County Executive shall file a copy of the disincorporation ordinance, order, or election results for disincorporation with the Secretary of State (IC 36-5-1-17, IC 36-5-1.1-10). For legal boundary changes, the Clerk of the Municipality shall file a certified copy of the ordinance, resolution, or order with the Secretary of State (IC 36-4-3-19, IC 36-4-3-22).

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IOWA (19)

Source: Iowa Code, Title 9 Local Government

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 368.7(2)	Secretary of State, Department of Transportation
Deannexation	STATE	Section 368.8	Secretary of State, Department of Transportation
Incorporation	STATE	Section 372.1(3)	Secretary of State
Disincorporation	STATE	Section 368.20	Secretary of State, Department of Transportation

For incorporations and disincorporations passed during an election, the Board of Supervisors must submit to the Secretary of State copies of the proceedings including the original petition or plan and any amendments, the order of the board approving the petition/plan, proofs of service and publication of required notices, certification of the election results, and any other material deemed by the board to be of primary importance to the proceedings (Sec. 372.1(3), 368.20). For annexations and deannexations, the City Clerk shall file a copy of the resolution, map, and legal description of the affected territory with the Secretary of State and the State Department of Transportation (Sec. 368.7(2), 368.8).

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KANSAS (20)

Source: Kansas Constitution (KC) and Kansas Statutes

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 12-518	State Transportation Engineer
Deannexation	STATE	Section 12-518	State Transportation Engineer
Incorporation¹	STATE	KC Article 12, Section 5(c)(3)	Secretary of State
Disincorporation	MCD	Section 15-111	Township Clerk

¹ Incorporation proposal may be filed with the Kansas Department of Economic Development – Community Development Division (Section 15-123)

Whenever a place becomes incorporated through the adoption of a charter ordinance, the clerk of the proposed place must file the ordinance with the Secretary of State (KC Article 12, Sec. 5(c)(3)). Whenever territory has been added to or excluded from any incorporated place, the governing body of such city shall declare by resolution the entire legal boundary of the city (KS Sec. 12-517). The City Clerk shall file a certified copy of the resolution with the State Transportation Engineer (KS Sec. 12-518).

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KENTUCKY (21) (MOA)

Source: Kentucky Revised Statutes (KRS), Title 9 Counties, Cities, and Other Local Units

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 81A.470	Secretary of State
Deannexation	STATE	Section 81A.470	Secretary of State
Incorporation	STATE	Section 81.060	Secretary of State
Disincorporation	STATE	Section 81.094	Secretary of State

The clerk of the Circuit Court shall submit a certified copy of the judgment incorporating a new city to the Office of the Secretary of State (KRS 81.060). The clerk of the Circuit Court shall submit to the Office of the Secretary of State a certified copy of the judgment dissolving a city that has failed to maintain a city government for one year (KRS 81.094). Whenever a petition/election process dissolves an incorporated place, the county clerk shall notify the Secretary of State in writing of the dissolution (KRS 81.094). If the boundaries of an incorporated place are enlarged or reduced, the governing authority for that place shall within 60 days of the boundary change submit an accurate map and description of the affected area and a certified copy of the ordinance to the County Clerk, Secretary of State, and the Department for Local Government (KRS 81A.470).

MOA: The Census Bureau maintains an agreement with the Kentucky Division of Geographic Information (KDGI). Incorporated places experiencing boundary changes shall submit a copy of the ordinance and a description and map defining the affected area to the Secretary of State.

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LOUISIANA (22) (MOA)

Source: Louisiana Revised Statutes, Title 33 Municipalities and Parishes

Type	Filing	Citation	Highest Receiving Authority
Annexation¹	PARISH	RS 33:171, 33:178	Parish Registrar of Voters, Parish District Court
Deannexation¹	PARISH	RS 33:171, 33:178	Parish Registrar of Voters, Parish District Court
Incorporation	STATE	RS 33:3.E	Secretary of State
Disincorporation	STATE	RS 33:262	Secretary of State, Office of the Governor

¹ Based on the possible state administrative requirements, Parish Registrar of Voters may be reporting to the Louisiana Secretary of State – Elections Division.

If a place elects to become incorporated, the chairperson for the petition for incorporation shall file with the Secretary of State a copy of the petition, a certified copy of the election results, a copy of the notice(s) announcing the results of the election, and the date on which the place shall become legally incorporated (RS 33:3.E). A place is disincorporated by decree of the Governor if the place's population falls below 100 inhabitants or if the place chooses to disincorporate by election (RS 33:262). Incorporated places must file annexations and deannexations with the Parish Registrar of Voters and the Parish District Court (RS 33:171, 33:178).

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MAINE (23) (MOA)

Source: Maine Revised Statutes, Title 30A Municipalities and Counties

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 2172	Maine State Legislature
Deannexation	STATE	Section 2172	Maine State Legislature
Incorporation	STATE	Section 2106	Secretary of State
Disincorporation	STATE	Section 7209	Secretary of State

If a place incorporates through the adoption of a new charter, certificates recording the new charter must be filed with the Maine Secretary of State and the State Law Library (Sec. 2106). A place may elect to disincorporate if approved by the State Legislature. The Municipal Clerk or the Assessors of Plantations shall certify the election result for disincorporation to the Secretary of State within 10 days of the election (Sec. 7209). Any proposed legal boundary changes caused by a secession of territory from a legal entity must be submitted to the State Legislature for review (Sec. 2172).

MOA: The U.S. Census Bureau maintains a state agreement with Maine Office of GIS (MEGIS), in which the state shall annually submit a consolidated report of all changes in corporations and legal boundaries to the Census Bureau's Boundary and Annexation Survey (BAS). Local governments are excluded from participating in this survey and will not receive survey materials.

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MARYLAND (24)

Source: Annotated Code of Maryland, Article 23A Corporations – Municipal

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 19	Department of Legislative Services
Deannexation	STATE	Section 9A	Department of Legislative Services
Incorporation	STATE	Section 28	Department of Legislative Services
Disincorporation	STATE	Section 41	Department of Legislative Services

For new incorporations and disincorporations, the charter providing for the creation for or repeal of the incorporation, the date of the referendum for election, the number of votes cast for and against the question of incorporation/disincorporation, and the effective date of the charter must be submitted to the Maryland Department of Legislative Services (Sec. 28, 41). If the legal boundaries have been modified, the incorporated place must submit legal documentation of the annexation or deannexation and the legal effective date to the Maryland Department of Legislative Services (Sec. 9A, 19).

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MASSACHUSETTS (25) (MOA)

Source: Massachusetts General Laws, Part I Administration of the Government, Title 7 Cities, Towns, and Districts

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 7	Massachusetts General Court, Department of Highways
Deannexation	STATE	Section 7	Massachusetts General Court, Department of Highways
Incorporation	X	X	X
Disincorporation	X	X	X

MOA: The Census Bureau maintains a state agreement with the Massachusetts Office of Geographic Information (MassGIS). Each year, the state will be submitting a consolidated report of all changes in corporations and boundaries to the Census Bureau's Boundary and Annexation Survey (BAS).

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MICHIGAN (26) (MOA)

Source: Michigan Compiled Laws

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Sections 74.6, 78.9, 117.13	Secretary of State
Deannexation	STATE	Sections 74.6, 78.9, 117.13	Secretary of State
Incorporation	STATE	Sections 78.9, 117.6, 117.11	Secretary of State, State Treasurer
Disincorporation	STATE	Sections 74.18a, 117.14a	Secretary of State

The Secretary of State certifies all new incorporations. Documents pertaining to the incorporation, such as copies of the petition, affidavit(s), resolution(s), and certificates must be filed with the Secretary of State (Sec. 78.9, 117.6, 117.11). If a place elects to disincorporate, the County Clerk shall certify and file 2 transcripts detailing all the proceedings in the matter with the Secretary of State (Sec. 74.18a, 117.14a). Any legal boundary changes caused by an annexation or deannexation must be filed with the Secretary of State (Sec. 74.6, 78.9, 117.13).

MOA: The U.S. Census Bureau maintains an agreement with the Center for Shared Solutions, Michigan Department of Technology, Management and Budget (MDTMB), and Michigan Department of Information Technology (MDIT), which may direct any incorporated place experiencing boundary changes to report such changes to the Secretary of State. The MDIT receives a copy of all boundary changes from the Department of State and will use this data to indicate to the Census Bureau of any incorporated places that have experienced changes.

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MINNESOTA (27)

Source: 2011 Minnesota Statutes

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 414.033	Secretary of State
Deannexation	STATE	Sections 414.06, 414.09	Secretary of State, Department of Revenue, State Demographer
Incorporation	STATE	Sections 410.11, 414.02, 414.551, 414.09	Secretary of State, Department of Revenue, State Demographer
Disincorporation	STATE	Section 412.091	Secretary of State

A place may become incorporated if a city charter establishing a government is adopted by election. Incorporations must be reported to the Secretary of State, Department of Revenue, and the State Demographer (Sec. 410.11, 414.02, 414.551, 414.09). The place is incorporated 30 days after the election or on the effective date specified on the charter. If an incorporated place elects to dissolve, the City Clerk shall file a certificate of the election result with the Secretary of State (Sec. 412.091). The place ceases to exist six months after the election date. Annexations and detachments are reported to the Secretary of State (Sec. 414.06, 414.09, 414.033).

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MISSISSIPPI (28)

Source: Mississippi Code of 1972, Title 21 Municipalities

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 21-1-39	Secretary of State
Deannexation	STATE	Section 21-1-39	Secretary of State
Incorporation	STATE	Section 21-1-23	Secretary of State
Disincorporation	STATE	Sections 21-1-49, 51, 53	Secretary of State

If a place chooses to incorporate, the Chancery Clerk for the county in which the incorporation is to take place shall submit a certified copy of the decree to incorporate, issued by the county Chancellor, to the Secretary of State (Sec. 21-1-23). If an incorporated place is disincorporated by election, the Chancery Clerk shall submit a certified copy of the decree of abolition to the Secretary of State (Sec. 21-1-53). If the population of an incorporated place falls below 50 residents, the place is automatically abolished, and the Secretary of State shall record this event (Sec. 21-1-49). In addition, the incorporated place automatically abolishes if the municipal government fails to hold regular elections or official meetings. The Chancery Clerk must certify the abolishment to the Secretary of State (Sec. 21-1-51). Whenever an incorporated place changes its boundaries, the Chancery Clerk shall submit a certified copy of the decree for annexation or deannexation to the Secretary of State (Sec. 21-1-39).

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MISSOURI (29)

Source: Missouri Revised Statutes

Type	Filing	Citation	Highest Receiving Authority
Annexation	COUNTY	Section 42.403	County Commission
Deannexation	COUNTY	Section 42.403	County Commission
Incorporation	COUNTY ¹	Sections 72.080, 090, 414,	County Commission
Disincorporation	COUNTY	Sections 79.490, 495	County Commission

¹ Under certain circumstances, if a city incorporates as a third class city, a certificate of adoption must be filed with the governor, the secretary of state and to the county clerk (Section 78.030)

For places that are eligible to incorporate under the third class city designation of Missouri, if the proposition to incorporate passes election, the mayor shall transmit to the Governor, the Secretary of State, and to the County Clerk a certificate stating that such proposition was adopted (Sec. 78.030). Otherwise, the Missouri Statutes do not specify any provision requiring new incorporations, disincorporations, or boundary changes to be reported directly to a state-level agency.

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MONTANA (30)

Source: Montana Code Annotated (2011), Title 7 Local Government

Type	Filing	Citation	Highest Receiving Authority
Annexation	COUNTY	Sections 7-2-4201, 4407, 4607, 4714	County Clerk
Deannexation	COUNTY	Section 7-2-4808	County Clerk, County Recorder
Incorporation	COUNTY ¹	Section 7-2-4101	Board of County Commissioners
Disincorporation	STATE	Section 7-2-4906	Secretary of State, Department of Administration

¹ Incorporations might be reported to the Montana Secretary of State if conducted by election (Section 13-15-404)

The Montana Statutes do not specify any provision requiring new incorporations to be reported to a state-level agency. Boundary changes must be filed with the appropriate county authority. A certified copy of the order for disincorporation must be sent to the Secretary of State and the Montana Department of Administration (Sec. 7-2-4906).

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NEBRASKA (31)

Source: Nebraska Revised Statutes, Title 7 Local Government

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 18-1753	Tax Commissioner
Deannexation	COUNTY	Sections 16-129, 17-414	County Register of Deeds, or County Clerk
Incorporation	STATE	Sections 15-102, 16-102	Secretary of State
Disincorporation	STATE	Section 17-218	Secretary of State

Villages may incorporate by declaration from the County Board. The mayor of an incorporated place that has attained a population greater than five thousand must certify the fact to the Secretary of State (Sec. 16-101), and if an incorporated place attains a population of over one hundred thousand residents, the mayor must certify the fact to the Governor (Sec. 15-102). When an incorporated place, which is of village status according to Nebraska state law, elects to disincorporate, the County Board will specify the effective death date and the County Clerk must submit a copy of the resolution for disincorporation to the Secretary of State (Sec. 17-218). Any incorporated place annexing territory that thereby adds additional population shall report such annexation to the State Tax Commissioner (Sec. 18-1753). State of Nebraska Statutes does not specify any provision requiring deannexations to be reported to a state-level agency.

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NEVADA (32)

Source: Nevada Revised Statutes (NRS 2011), Title 21 Cities and Towns

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	NRS 268.600	Department of Taxation
Deannexation	COUNTY	NRS 268.664	County Recorder
Incorporation	STATE	NRS 266.039	Secretary of State
Disincorporation	STATE	NRS 265.090	Secretary of State, Nevada Attorney General

The place's governing board must file the declaration of incorporation with the Secretary of State (NRS 266.039). For boundary changes, the incorporated place shall file an accurate map or plat of the affected territory and a certified copy of the boundary change ordinance with the County Recorder (NRS 268.664). With annexations, the incorporated place shall also file a duplicate copy of the map or plat and ordinance with the Department of Taxation (NRS 268.600).

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NEW HAMPSHIRE (33)

Source: New Hampshire Statutes, Title 3: Towns, Cities, Village Districts, and Unincorporated Places

Type	Filing	Citation	Highest Receiving Authority
Annexation	X	X	X
Deannexation	X	X	X
Incorporation	X	X	X
Disincorporation	X	X	X

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NEW JERSEY (34)

Source: New Jersey Statutes (2011), Title 40A Municipalities and Counties

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 40A:7-14	Secretary of State
Deannexation	X	X	X
Incorporation	X	X	X
Disincorporation	X	X	X

Upon the annexation of any land, the clerk of the incorporated place shall immediately file with the County Clerk for the county in which the affected land is located and the Secretary of State, a certified copy of the ordinance (Sec. 40A:7-14).

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NEW MEXICO (35)

Source: New Mexico Statutes (2011), Chapter 3 Municipalities

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 3-7-16	Secretary of Taxation, Secretary of Finance and Administration
Deannexation	X	X	X
Incorporation	STATE	Sections 3-2-7(C), (D)	Secretary of State, Secretary of Taxation, Secretary of Finance and Administration
Disincorporation	STATE	Section 3-4-6	Secretary of State, Secretary of Taxation, Secretary of Finance and Administration

If the issue of incorporation passes during an election, the County Clerk must file certified copies of the map or plat of the newly incorporated place, a record of the Board of County Commissioners' determinations, and the notice of incorporation and election results with the affidavit of publication/posting to the Secretary of State (Sec. 3-2-7). The County Clerk must also file certified copies of the map or plat to the Secretary of Finance & Administration and the Secretary of Taxation & Revenue (Sec. 3-2-7). If a place elects to disincorporate, the County

Clerk must submit a certified copy of the notice of disincorporation to the Secretary of State, the Secretary of Finance & Administration, and the Secretary of Taxation & Revenue (Sec. 3-4-6). For annexations, the Clerk for the incorporated place must file a copy of the annexation ordinance and a copy of the plat of the annexed territory to the Secretary of Finance & Administration and to the Secretary of Taxation & Revenue (Sec. 3-7-6).

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NEW YORK (36)

Source: Laws of New York

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	General Municipal Laws, Section 717	Secretary of State
Deannexation	STATE	Village Laws, Section 18-1804	Secretary of State
Incorporation	STATE	Village Laws, Section 2-232	Secretary of State, State Comptroller, Commissioner of Taxation and Finance
Disincorporation	STATE	General Municipal Laws, Section 781	New York Secretary of State

For incorporations, the incorporated place must provide a report of incorporation, which includes a copy of the certificate of election, a statement attesting that the review of election has expired or a certified copy of the final court determination of the results of the election, and a map and metes and bounds description of the newly incorporated place, to the Secretary of State, State Comptroller, and the Commissioner of Taxation & Finance (Village Laws, Section 2-232). Any disincorporations must be reported to the Secretary of State (General Municipal Laws, Section 781). For annexations, the governing authority of the incorporated place shall provide a map of the affected area(s) to the Secretary of State (General Municipal Laws, Section 717). For deannexations, a certificate containing the description of the area(s) to be excluded, which states the assessed valuation and the number of residents within the area(s), must be filed with the Secretary of State (Village Laws, Section 18-1804).

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NORTH CAROLINA (37)

Source: North Carolina Constitution (NCC) & General Statutes

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Sections 160A-29, 58.61	Secretary of State
Deannexation	X	X	X
Incorporation	STATE	NCC, Article 7, Section 1	North Carolina General Assembly
Disincorporation	X	X	X

Note: Changes requiring a charter amendment are filed with the Secretary of State and Legislative Library (Section 160A-111).

For annexations, including those completed by a local act of the legislature, the mayor of the incorporated place must file an accurate map of the affected area and a certified copy of the ordinance with the Register of Deeds for the counties affected by the annexation and the Secretary of State (GS Sec. 160A-29, 160A-58.61). In addition, the annexation, with the ordinance number and effective date, must be submitted to the Boundary and Annexation Survey (BAS) of the U.S. Bureau of the Census (GS Sec. 160A-29, 160A-58.61).

Municipal charters (incorporations), Dissolutions (disincorporations), deannexations, and charter amendments are completed by local acts of the legislature. The city clerk shall file a certified true copy of the change with the Secretary of State and the Legislative Library (GS Sec. 160A-111).

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NORTH DAKOTA (38)

Source: North Dakota Century Code, Title 40 Municipal Government

Type	Filing	Citation	Highest Receiving Authority
Annexation	COUNTY	Sections 40-51.2-06, 07	County Recorder
Deannexation	COUNTY	Section 40-51.2-06	County Recorder
Incorporation	STATE	Sections 40-02-12, 13	Secretary of State
Disincorporation	STATE	Section 40-53.1-06	Secretary of State

For incorporations, the order of incorporation, issued by the Board of County Commissioners, must be filed with the Secretary of State (Sec. 40-02-12, 13). If a place chooses to disincorporate, a certified copy of the notice of dissolution must be sent to the Secretary of State (Sec. 40-53.1-06). For any boundary changes, a certified copy of the resolution or order and a map of the affected area will be filed with the County Recorder (Sections 40-51.2-06, 07).

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OHIO (39)

Source: Ohio Revised Statutes, Title 7 Municipal Corporations

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Sections 709.06, .32, .33	Secretary of State
Deannexation	STATE	Section 709.39	Secretary of State
Incorporation	STATE	Section 707.09	Secretary of State
Disincorporation	STATE	Section 703.20	Secretary of State

If a territory chooses to incorporate, the County Recorder must file a copy of the record of incorporation with the Secretary of State (Sec. 707.09). The incorporation becomes effective on the date that the record is filed with the Secretary of State. If an incorporated place dissolves, the disincorporation must be reported to the Secretary of State (Sec. 703.20). If the resolution or ordinance for a boundary change is accepted, the auditor or clerk for the incorporated place must submit a certified copy of the boundary change petition, map or plat of the affected area, a transcript of the proceedings of the Board of County Commissioners, and the resolution or ordinance to the County Auditor, County Recorder, and the Secretary of State (Sec. 709.06, .32, .33, 39).

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OKLAHOMA (40)

Source: Oklahoma Statutes, Title 11 Cities and Towns

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Sections 11-21-103, 112	Tax Commission – Sales and Use Tax Division, Tax Commission – Ad Valorem Division
Deannexation	STATE	Section 11-21-112	Tax Commission – Ad Valorem Division
Incorporation	STATE	Section 11-2-107	Secretary of State
Disincorporation	STATE	Section 11-7-102	Secretary of State

The order declaring incorporation of a place, issued by the Board of County Commissioners, must be recorded in the office of the County Clerk and filed with the Secretary of State (Sec. 11-2-107). The place is effectively incorporated on the date the Board of County Commissioners issues the order. For disincorporations, a statement of a vote from the election that passed the disincorporation or a court order of dissolution must be filed with the Secretary of State (Sec. Section 11-7-102). The mayor is required to report all annexations by filing a certified copy of the ordinance or court order, a map or plat of the affected area with the Ad Valorem Division and the Sales and Use Tax Division of the Oklahoma Tax Commission (Sec. 11-21-103, 112). Deannexations are reported to the Ad Valorem Division of the Oklahoma Tax Commission (Sec. Section 11-21-112).

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OREGON (41)

Source: Oregon Revised Statutes (2011), Title 21 Cities

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Sections 222.010, .177	Secretary of State, Department of Revenue
Deannexation	STATE	Section 222.010	Department of Revenue
Incorporation	COUNTY	Section 221.050	County Court, or Board of County Commissioners
Disincorporation	COUNTY	Section 221.659	County Clerk

The Oregon state laws do not require governments to report incorporations and disincorporations to a state-level agency. For annexations, the incorporated place must file annexation records with the Secretary of State and Oregon Department of Revenue (Sec. 222.010, .177). The annexation will become effective on the date the Secretary of State records the annexation records. Deannexations must be reported to the Oregon Department of Revenue (Sec. 222.010).

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PENNSYLVANIA (42)

Source: Pennsylvania Constitution, Borough Code, and Public Law (P.L. 873 No. 237)

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	P.L. 873 No. 237, Section 3	Department of Community and Economic Development
Deannexation	STATE	P.L. 873 No. 237, Section 3	Department of Community and Economic Development
Incorporation	STATE	Borough Code, Article 2, Section 210	Department of Community and Economic Development
Disincorporation	STATE	P.L. 873 No. 237, Section 3	Department of Community and Economic Development

According to the Pennsylvania Borough Code, incorporations must be reported to the Pennsylvania Department of Community and Economic Development (Article 2, Sec. 210). In addition, disincorporations and legal boundary changes must be reported to the Department of Community and Economic Development (Public Law 873 No. 237, Sec. 3).

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RHODE ISLAND (44)

Source: State of Rhode Island General Laws, Title 45 Towns and Cities

Type	Filing	Citation	Highest Receiving Authority
Annexation	X	Section 45-1-1	Boundaries remain as established – per General Laws
Deannexation	X		
Incorporation	X	X	X
Disincorporation	X	X	X

According to Title 45 of the Rhode Island General Laws: “The extent and boundaries of the several cities and towns shall remain as now established by law” (§ 45-1-1).

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SOUTH CAROLINA (45)

Source: South Carolina Code of Laws, Title 5 Municipal Corporations

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 5-3-90	Secretary of State, Department of Transportation, Department of Public Safety
Deannexation	STATE	Section 5-3-280	Secretary of State
Incorporation	STATE	Section 5-1-70	Secretary of State
Disincorporation	STATE	Section 5-1-100	Secretary of State

Incorporations and disincorporations must be reported to the Secretary of State (Sec. 5-1-70, 100). For annexations, the incorporated place shall file a notice with the Secretary of State, Department of Transportation, and Department of Public Safety (Sec. 5-3-90). For deannexations, the municipal council must issue an ordinance declaring the territory excluded from the incorporated place and must notify the Secretary of State of the new boundaries (Sec. 5-3-280).

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SOUTH DAKOTA (46)

Source: South Dakota Codified Laws, Title 9 Municipal Government

Type	Filing	Citation	Highest Receiving Authority
Annexation	COUNTY	Section 9-4-11	County Register of Deeds
Deannexation	COUNTY	Section 9-4-11	County Register of Deeds
Incorporation	STATE	Section 9-3-14	Secretary of State
Disincorporation	STATE	Section 9-6-8	Secretary of State

For incorporations, the Board of County Commissioners may issue an order of incorporation, effectively creating the incorporated place. A certified copy of the canvass of votes from the

election for incorporation must be filed with the Secretary of State (Sec. 9-3-14). For disincorporations, the Circuit Court will issue a Judgment of Dissolution, certified by the Clerk of Courts, to be filed with the Office of the Secretary of State (Sec. 9-6-8). For legal boundary changes, the mayor or the president of the place's Board of Trustees must provide a detailed map of the territory to be annexed or deannexed and a certified copy of the annexation or deannexation resolution/ordinance to the county Register of Deeds (Sec. 9-4-11).

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TENNESSEE (47)

Source: Tennessee Code, Title 6 Cities and Towns

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 6-51-121	Comptroller, Office of Local Government
Deannexation	COUNTY	Section 6-51-204	County Assessor
Incorporation	STATE	Sections 6-1-206, 6-3-108	Secretary of State, and/or Department of Revenue
Disincorporation	STATE	Section 6-52-205	Secretary of State

Incorporations and disincorporations must be reported to the Secretary of State (Sec. 6-1-206, 6-3-108, & 6-52-205). All annexing municipalities must record annexation ordinances upon adoption or upon referendum approval of an annexation resolution with the register of deeds in the county or counties where the annexation was adopted or approved. The annexing municipality must describe the annexation and provide a copy of the ordinance or resolution to the Tennessee Comptroller of the Treasury as well as the assessor of property for each affected county (Sec. 6-51-121).

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TEXAS (48)

Source: Texas Statutes, Local Government Code

Type	Filing	Citation	Highest Receiving Authority
Annexation	COUNTY	Section 41.0015	County Clerk
Deannexation	COUNTY	Section 41.0015	County Clerk
Incorporation	COUNTY ¹	Sections 7.007, 8.006	County Commissioners Court
Disincorporation	COUNTY	Section 62.004	County Commissioners Court

¹ Places that incorporate as a Home-Rule municipality must file incorporation with the Texas Secretary of State (Section 9.007)

If the issue of incorporation passes election, the incorporation becomes effective once the County Judge enters into the records of the county Commissioners Court that the place is incorporated (Sec. 7.007, 8.006). If the issue of disincorporation passes election, the mayor of the incorporated place must certify the disincorporation to the county's Commissioners Court. The place is effectively disincorporated on the date the Commissioners Court entered the disincorporation in

its minutes (Sec. 62.004). If the place no longer has residents, the District Judge may issue an abolition order, which effectively disincorporates the place. For annexations or deannexations, the mayor, or other presiding officer of the governing body of the incorporated place shall, submit a certified copy of documents showing the boundary changes to the County Clerk of each county in which the place is located (Sec. 41.0015).

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UTAH (49) (MOA)

Source: Utah Code, Title 10 Utah Municipal Code

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 10-2-425	Lieutenant Governor
Deannexation	STATE	Section 10-2-507	Lieutenant Governor
Incorporation	STATE	Section 10-2-113	Lieutenant Governor
Disincorporation	STATE	Section 10-2-712	Lieutenant Governor

Within 7 days of the election approving incorporation, the mayor-elect must file copies of the articles of incorporation with the Lieutenant Governor, containing the name of the new place and a survey quality plat showing the place's boundaries. The place becomes incorporated on the date the Lieutenant Governor certifies the articles of incorporation (Sec. 10-2-113). Disincorporations are also reported to the Lieutenant Governor (Sec. 10-2-712). For annexations, the incorporated place must send a notice of the annexation to each affected entity, and file the certified copy of the annexation ordinance, a survey quality map showing the boundary change(s), and, if applicable, an amended articles of incorporation reflecting the annexation to the Lieutenant Governor (Sec. 10-2-425). If an incorporated place issues a deannexation order, the District Court shall file with the Lieutenant Governor a certified copy of the order and a transparent reproducible copy of the map or plat showing the boundary change(s). The deannexation is effective upon the Lieutenant Governor's certification of the deannexation order (Sec. 10-2-507).

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VERMONT (50)

Source: Vermont Statutes, Title 24 Municipal and County Government

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 1461	Secretary of State, Vermont E911 Board
Deannexation	STATE	Section 1461	Secretary of State, Vermont E911 Board
Incorporation	COUNTY	Section 1301	Town Clerk
Disincorporation ¹	X	X	X

¹ If an entity ceases to exist due to a merger, the officer must report action to the Vermont Secretary of State (Section 1486)

Villages may incorporate when, after a petition by voters, the Selectman files a description of the incorporated boundaries and name of the entity to the Office of the Town Clerk for the town in which the village is located (Sec. 1301). An annexation to an incorporated village becomes effective once the Town Clerk records the annexation. For any change to incorporated place boundaries, the governing authority for the affected place shall file certified copies of the meeting minutes, a survey map of the affected area, and a list of affected property owners with the Secretary of State, the Town Clerk(s) of the towns affected by the boundary change, and the Vermont Enhanced 911 Board (Sec. 1461).

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VIRGINIA (51)

Source: Code of Virginia, Title 15.2 Counties, Cities and Towns

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 15.2-3209	Secretary of Commonwealth, State Comptroller
Deannexation	STATE	Section 15.2-3238	Secretary of the Commonwealth
Incorporation	STATE	Section 15.2-3602	Secretary of the Commonwealth
Disincorporation	STATE	Section 15.2-3705	Secretary of the Commonwealth

The Circuit Court shall record all incorporations and disincorporations, and shall notify the Secretary of the Commonwealth of such changes (Sec. 15.2-3602, 3705). The disincorporation shall be effective on January 1 of the year following the year in which the disincorporation order was recorded by the Circuit Court unless petitioned to set another effective date. If an ordinance of annexation or deannexation is passed, the incorporated place must petition the county Circuit Court for an order of annexation or deannexation. A special court is appointed by the Virginia Supreme Court to hear the case. If the provisions for the annexation/deannexation have been satisfied, the order for annexation/deannexation is issued and certified to the Secretary of the Commonwealth (Sec 15.2-3209, 3238). In addition, annexations must also be reported to the Virginia State Comptroller (Sec. 15.2-3209).

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WASHINGTON (53)

Source: Revised Code of Washington (RCW), Title 35 Cities and Towns

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	RCW 35.13.260	Office of Financial Management (OFM)
Deannexation	STATE	RCW 35.16.040	Secretary of State
Incorporation	STATE	RCW 35.02.130	Secretary of State
Disincorporation	COUNTY ^{1, 2}	RCW 35.07.230	County Superior Court

¹ Disincorporation process may be initiated by the Washington State Auditor (RCW 35.07.230).

² Washington Secretary of State notifies state agencies of disincorporation of any cities or towns (RCW 43.62.030).

If a place elects to incorporate, the county legislative authority shall file a notice of incorporation with the Secretary of State (RCW 35.02.130). The official date of incorporation shall be on a date from 180 to 360 days after the date of the election on the question of incorporation. The place will be considered disincorporated if a vote for disincorporation passes and the election returns have been certified by the canvassing authority to the place's council. The county's Superior Court may issue a disincorporation order if, after two years, the place no longer holds regular elections or fails to carry out regular municipal services for its residents (RCW 35.07.230). Once an annexation has been adopted, a certified copy of the ordinance or resolution must be filed with the Washington Office of Financial Management (RCW 35.13.260). Deannexations must be filed with the Secretary of State (RCW 35.16.040).

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WEST VIRGINIA (54)

Source: West Virginia Code, Chapter 8 Municipal Corporations

Type	Filing	Citation	Highest Receiving Authority
Annexation	COUNTY	Sections 8-6-3, 8-6-4	County Court, County Commission
Deannexation	COUNTY	Section 8-7-3	County Court
Incorporation	COUNTY	Section 8-2-7	County Court
Disincorporation	COUNTY ¹	Section 8-35-1	County Court

¹ During disincorporation, the entity transfers remaining funds to the West Virginia State Auditor (Section 8-35-1)

If a place passes the issue of incorporation and the County Court determines that the provisions for incorporation have been met, the Clerk of the County Court will issue a certificate of incorporation, in which the place officially becomes incorporated (Sec. 8-2-7). Disincorporations must also be resolved through the County Court (Sec. 8-35-1). If a boundary change, such as an annexation or deannexation, is adopted by election, the governing body of the incorporated place must certify the boundary change with the County Court, which will confirm that the change satisfies all applicable provisions regarding to municipal boundary changes. The boundary change is effective after the County Court issues the order of annexation or deannexation (Sec. 8-6-3, 8-7-3). If a boundary change is adopted without an election, the governing body of the incorporated place must certify the boundary change to the County Commission (Sec. 8-6-4). The boundary change becomes effective after the County Commission issues the order.

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WISCONSIN (55)

Source: Wisconsin Statutes, Chapter 61 Villages and Chapter 66 General Municipality Law

Type	Filing	Citation	Highest Receiving Authority
Annexation	STATE	Section 66.0217(9)	Secretary of State ¹
Deannexation	STATE	Sections 66.0227, 66.0217(9)	Secretary of State ¹
Incorporation	STATE	Section 66.0211	Secretary of State
Disincorporation	STATE	Section 61.187	Secretary of State

¹ The Wisconsin Secretary of State files boundary changes with the Wisconsin Departments of Transportation; Administration; Revenue; Public Instruction; Natural Resources; and Agriculture, Trade, & Consumer Protection (Section 66.0217(9))

If a place passes the issue of incorporation, the Clerk of the Circuit Court shall submit a description of the place's legal boundaries, the place's population, and a copy of the plat map to the Secretary of State. The Secretary of State will issue a certificate of incorporation and record the certificate (Sec. 66.0211). For disincorporations, the Clerk for the incorporated place shall file copies of the certificate for dissolution with the Secretary of State (Sec. 61.187). For boundary changes, the clerk for the incorporated place must submit a certified copy of the annexation or deannexation ordinance, certificate, and plat to the Secretary of State (Sec. 66.0217(9), 66.0227).

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WYOMING (56)

Source: Wyoming Statutes, Title 15 Cities and Towns

Type	Filing	Citation	Highest Receiving Authority
Annexation	COUNTY	Section 15-1-406	County Clerk
Deannexation	COUNTY	Section 15-1-421	County Commissioners
Incorporation	COUNTY	Section 15-1-206	County Clerk
Disincorporation	STATE	Section 15-1-1004	Secretary of State

For incorporations, a copy of the survey, map and census must be filed with the office of the County Clerk of the county in which the incorporated territory is located (Sec. 15-1-206). If a place chooses to disincorporate, the former governing body of the incorporated place must file a certified copy of the resolution of dissolution to the office of the Secretary of State (Sec. 15-1-1004). The disincorporation becomes effective once the Secretary of State issues a certificate of dissolution and a certified copy of the certificate if filed with the County Clerk within 10 days

after the certificate was issued. Otherwise, the date of dissolution is the date in which the certified copy is filed with the proper county office. Wyoming state law does not require incorporated places to file or certify boundary changes with a state or county authority. Please see the state statute online at <http://legisweb.state.wy.us/statutes/compress/title15.doc>.

This document has been revised as of December 10, 2015.

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